

Tentative Rulings

November 5, 2018

Department 12

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. **PLEASE NOTE:** Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

GDN OF KENDALL BARNES

Case Number: 29104

Tentative Ruling on Motion for Reconsideration of Order Terminating Guardianship: This matter is on calendar for hearing on a Motion for Reconsideration of the Court's September 27, 2018 Order Terminating Guardianship, filed by the prior Guardians (Dave and Johnnie Aunchman). The motion has been timely filed and served, with proofs of service on file. A Responsive Declaration to Request for Order has been filed by the minor's father. A motion for reconsideration is governed by Code of Civil Procedure section 1008, which requires the party making the application to state by affidavit (declaration) what new or different facts, circumstances or law are claimed to be shown. CCP § 1008(a). The instant motion is not accompanied by the required declaration and is therefore invalid. The moving papers fail to show new or different facts, circumstances or law that would require the Court to reconsider its Order Terminating Guardianship. The Motion is **DENIED**. The Court declines to impose monetary sanctions as requested by the father. The moving party is **ORDERED** to submit a proposed order for the Court's execution.

GDN OF LEONARDO BOUNLEUTTAY

Case Number: 29802

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Leonardo Bounleuttay. The Petition was filed by the minor's paternal grandfather (Xang Bounleuttay). Letters of Temporary Guardianship issued on October 4, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The Petition states that both parents have consented to appointment of the Guardian but no Consent to Appointment of Guardian and Waiver of Notice for either parent has been filed. There is no proof of service of the Notice of Hearing for the parents, maternal grandparents or paternal grandmother. The minor's parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(a).

The Court has reviewed the Court Investigator's report, filed October 30, 2018, which recommends granting the Petition. This matter is continued to **Monday, December 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the

continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. If the parents are in agreement with the Appointment, Consents to Appointment and Waivers of Notice should be submitted. If Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF TREY'VION BRITTON

Case Number: 29739

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This proceeding relates to a Petition for Visitation filed by the minor's mother, Mersadie Britton. This matter is on for Confirmation of Counsel and Setting of Contested Hearing. The Court issued an Order Appointing Counsel for Minor under Probate Code § 1470, et seq. to the Public Defender's Office on October 23, 2018. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss visitation.**

GDN OF YLINEVAEH CARR, SAELAH CARR, & NIKOLAI SYMANIVONG

Case Number: 29804

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Ylinevaeh Carr, Saelah Carr, and Nikolai Symanivong. The Petition was filed by the minor's maternal grandmother (Rhonda Carr). Letters of Temporary Guardianship issued on October 4, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court dispenses with notice to the following individuals: mother, paternal grandfather of Ylinevaeh Carr, paternal grandparents of Saelah Carr, and paternal grandparents of Nikolai Symanivong. There is proper proof of service on the maternal grandfather and the paternal grandmother of Ylinevaeh Carr. No proofs of service have been filed showing service upon the three fathers, nor has Petitioner requested or made a sufficient showing that the Court dispense with notice to the minors' fathers. The minors' fathers must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). No objections have been raised. The paperwork otherwise appears to be in order. The Court has reviewed the Court Investigator's report, filed October 26, 2018, which recommends granting the Petition.

This matter is continued to **Monday, December 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF WILLIAM & CHARLOTTE FISH

Case Number: 29752

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, William & Charlotte Fish. The Petition was filed by the minor's maternal grandparents (Jim and Lacy Townsend). Letters of Temporary Guardianship issued on August 31, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother and father have consented to the Guardian and waived noticed. There is proper proof of personal service on the paternal grandparents. The matter has been properly noticed, with proof of service or consents on file for all required parties. ICWA notice has been provided and no intervention has been sought. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed October 17, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, November 18, 2019 at 1:30 p.m. in Department 12.** **No appearance is necessary on today's calendar.**

GDN OF AIDYN FLAMMINI

Case Number: 29352

Tentative Ruling on Status of Father's Visitation: This matter is on calendar for further proceedings regarding the father's visitation with the minor. **An appearance is necessary on today's calendar to discuss the status of the father's visitation. Father may appear by phone.**

GDN OF DAVIS FRUITS

Case Number: 29160

Tentative Ruling on Annual Review: The Petition for Guardianship of the Person was filed May 5, 2017 by the minor's half-sister, Taylor Hanson. On November 6, 2017, she was appointed Guardians of the Person. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than October 22, 2018. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and to submit an Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions in the amount of \$250 for the Guardian's failure to file the Status Report and appear as ordered.**

GDN OF KAMEREN GEVEDON, JOSHUA HOWSMON & KADENCE HOWSMON

Case Number: 29566

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for confirmation of counsel and to set a contested hearing on the Petition for Termination of

Guardianship, filed by the minor's mother (Janna Johnson). **An appearance is necessary on today's calendar to confirm counsel for the minor and to set a contested hearing date.**

GDN OF ASHTAN GLEATON

Case Number: 29798

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Ashtan Gleaton. The Petition was filed by the minor's maternal grandmother (Veronica Leffmann). Letters of Temporary Guardianship issued on October 4, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother and father have not been personally served nor have they consented to the appointment. There is no proof of service for the Notice of Hearing on the paternal grandparents or maternal grandfather. The parents must be personally served with a copy of the Petition and Notice of Hearing. All other parties may be served by mail.

The Court has reviewed and considered the Court Investigator's report filed October 30, 2018 and agrees with the recommendation to refer this matter to CFS for a potential W&I 300 petition. This matter is continued to **Monday, January 14, 2018 at 1:30 p.m. in Department 12** for further proceedings on the Petition for Appointment and status of the CFS investigation. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. These orders are to ensure proper notice if CFS does not file a W&I § 300 petition. The clerk is instructed to mail a copy of today's order to CFS. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF AVA, FINA & NATHAN GRAHAM

Case Number: 28989

Tentative Ruling on Petition for Termination of Guardianship: This matter is on calendar for hearing on a Petition for Termination of Guardianships of Fina & Nathan Graham filed by the minors' Guardians. The matter has not been properly noticed. The Notice of Hearing was not served on the mother, maternal grandparents or paternal grandfather.

The Court has reviewed and considered the Court Investigator's report filed October 24, 2018 and agrees with the recommendation to refer this matter to CFS for a potential W&I 300 petition. This matter is continued to **Monday, January 14, 2018 at 1:30 p.m. in Department 12** for further proceedings on the Petition for Termination and status of the CFS investigation. The Guardianship will remain in place for the time being while the matter is referred to CFS. Petitioners must still properly notice the Petition for Termination to ensure that the Court has jurisdiction to issue an appropriate order. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. These orders are to ensure proper notice if CFS does not file a W&I § 300

petition. The clerk is instructed to mail a copy of today's order to CFS. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF RED FALCON SKYS LIMIT JOHNSON-CERVANTES

Case Number: 29762

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Red Falcon Skys Limit Johnson-Cervantes. The Petition was filed by Ebony Johnson, a nonrelative. Letters of Temporary Guardianship issued on September 14, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother has consented to the Guardian and waived noticed. There is proper proof of service on the maternal grandmother. The Court dispenses with notice to the father and paternal grandparents. There is no proof of service on file showing service upon the maternal grandfather, nor has Petitioner requested, nor presented sufficient evidence to support, that the Court dispense with notice to that party. The maternal grandfather must be served by mail before the Court can consider granting the Petition. Prob. Code § 1511(a). The Court finds that the notice requirements of ICWA have been satisfied. No tribe has sought jurisdiction over this matter, although Petitioner has submitted a Letter of Official Intervention from the Pit River Tribe stating their intent to officially intervene in the proceeding and requesting notice of any and all proceedings in this matter. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered HHS Children Services' Guardianship Investigation Report filed October 17, 2018, which recommends granting the Petition. The Court notes that the Report states that HHS Children Services spoke with ICWA Coordinator for the Pit River Tribe, who confirmed that the tribe is in support of the guardianship. This matter is continued to **Monday, December 17, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. If Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF TREVER & BROOK KESSLER

Case Number: 29708

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for confirmation of counsel and to set a contested hearing on the Petition for Appointment of Guardian. The Temporary Guardianship powers are set to expire today unless further extended. **An appearance is necessary on today's calendar to confirm counsel for the minor and to discuss the Temporary Guardianship's status.**

GDN OF ADRIANA KIEFFABER

Case Number: 29683

Tentative Ruling on Further Proceedings regarding Status of Minor in Mother's Care and of the Guardianship: The present Petition for Appointment of Guardian has been stayed at the request of the parties.

The matter was most recently on calendar on October 22, 2018 to permit the mother to provide the Court with proof of housing. **An appearance is necessary to discuss the mother's housing and to discuss whether this matter should proceed.**

GDN OF AYDEN LANDES

Case Number: 26160

Tentative Ruling on Further Proceeding on Order to Show Cause re Monetary Sanctions and for Annual Review: This matter is on calendar for further proceedings on an Order to Show Cause issued to the Guardians for their failure to appear at the Annual Review hearing on July 23, 2018 and for their failure to file the required Confidential Guardianship Status Report. The matter was continued to today based upon representations made in the Guardians' statement about their failure to timely file the Status Report and appear for hearing on July 23, 2018. Despite the continuance to today, there is still no Confidential Guardianship Status Report on file.

An appearance is necessary on today's calendar to discuss the Guardianship's status. The Guardians may appear by telephone. Warning: Failure to appear on today's calendar will result in the issuance of both monetary sanctions in the sum of \$250.00, and an Order to Show Cause re Termination of Guardianship.

GDN OF LELAND MEIER

Case Number: 29781

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter was on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person. A new Notice of Hearing was filed moving today's hearing to December 3, 2018. The Court confirms the future hearing date of December 3, 2018. Petitioner is advised to review the Court's previous ruling issued on October 15, 2018 to ensure that all notice issues are properly addressed prior to the continued hearing date. **No appearance is necessary on today's calendar.**

GDN OF HOLDEN ROADES

Case Number: 29791

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Holden Rodes. The Petition was filed by the minor's maternal aunt (Cindy Bradley). Letters of Temporary Guardianship issued on September 26, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother and father have consented to the Guardian and waived noticed. There is proper proof of personal service on the paternal grandmother and maternal grandparents. The Court dispenses with notice to the deceased paternal grandfather. The matter has been properly noticed, with proof of service or consents on file for all living parties. No objections have been raised. The paperwork appears to be in order.

The Court has reviewed and considered the Court Investigator's report filed October 24, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, November 18, 2019 at 1:30 p.m. in Department 12.** The Court requests an appearance by the Petitioner/Guardian to discuss the needs of the ward's sibling, Gabriel Myers.

GDN OF ATHENA RUIZ, REGINA-MARIE CROY, & WILLIAM CROYAL
Case Number: 28278

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Reports have been received by the Court. **An appearance is necessary on today's calendar to address the Confidential Guardianship Status Reports.**

GDN OF MARK STRAUSBAUGH, III
Case Number: 29056

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for confirmation of counsel and to set a contested hearing on the Petition for Termination filed by the mother. The matter was continued to today's date to confirm counsel for the minor, and to set a date for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF IANALEE TAYLOR
Case Number: 29706

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for confirmation of counsel and to set a contested hearing on the Petition for Appointment of Guardian. The matter was continued to today's date to confirm counsel for the minor, and to set a date for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF JOHN-DALLAS & REYNA-VIATRIS VALENCIA
Case Number: 29760

Tentative Ruling on Confirmation of Counsel and Setting of Contested Hearing: This matter is on calendar for confirmation of counsel and to set a contested hearing on the Petition for Appointment of Guardian. The matter was continued to today's date to confirm counsel for the minor, and to set a date for contested hearing. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss the Guardianship's status.**

GDN OF TREVOR WAERS
Case Number: 28188

Tentative Ruling Petition for Termination: This matter is on calendar for hearing on a Petition for Termination of Guardianship filed by the mother, Rhiannon Castillo. A Notice of Hearing has been filed but it is incomplete and fails to identify that any individuals were served. No request to dispense with notice has been submitted. The Petition must be properly served on the Guardians, father and maternal grandmother at least 15

days before the hearing date. The Court has received and reviewed the Court Investigator's Report which recommends the denial of the Petition.

This matter is continued to **Monday, December 17, 2018, at 1:30 p.m. in Department 12.** Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the party. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF MICHAEL WHITE, CLIFTON BUCKSKIN-BRIENO & JACOB WHITE

Case Number: 28218

Tentative Ruling on Further Proceedings on Petition to Terminate Guardianship: This matter is on calendar for hearing on a Petition for Termination of Guardianship of minor, Clifton Bucksin-Briceno. At the previous hearing on October 1, 2018, the Court stated its intention to terminate this Guardianship upon the establishment of a Guardianship in Hawaii. A hearing occurred in Hawaii on October 24, 2018 but nothing has been filed with the Court to provide what occurred at that proceeding. **An appearance is necessary on today's calendar to provide the Court with a status of the Hawaii proceeding.**

GDN OF LIAM WILEY

Case Number: 28803

Tentative Ruling on Further Proceeding on Annual Review: This matter is on calendar for further proceeding on Annual Review, having been continued from September 24, 2018 for the filing of an updated status report. No updated status report has been filed. **An appearance is necessary on today's calendar to submit and discuss the updated status report.**